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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,995	10/05/2001	Eve E. Ellis	Aladdin-2	4138

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EXAMINER

COBANOGLU, DILEK B

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/971,995	<b>Applicant(s)</b> ELLIS ET AL.	
	<b>Examiner</b> Dilek B. Cobanoglu	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1 to 10 have been examined.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 to 10 are rejected under 35 U.S.C. 102(e) as being unpatentable by Saini et al. (U.S. Patent Publication No. 2003/0120173 A1).

A. As per claim 1, Saini et al. discloses a method for tracking a menstrual cycle of at least one female person using a suitable microprocessor based device, said method comprising:

- i. storing information associated with said menstrual cycle (Saini et al; paragraph 0033);
- ii. storing and saving information on flow associated with the menstrual cycle (Saini et al; paragraph 0033);
- iii. storing information on moods associated with the person (Saini et al; paragraph 0061);

- iv. storing notes associated with the person or menstrual cycle (Saini et al; paragraph 0029); and,
- v. automatically monitoring and making projections based upon at least a portion of the stored information associated the menstrual cycle (Saini et al; paragraphs 0038 and 0060).

B. As per claim 2, Saini et al. discloses apparatus for monitoring the menstrual cycle of a predetermined individual comprising:

- i. a memory for storing information related to said menstrual cycle and generated from statistical data (Saini et al; paragraph 0029),
- ii. an input device for inputting information related to said individual as associated with said individual's cycle (Saini et al; paragraph 0030) and,
- iii. means for predicting menstrual events based on associating said input information with said stored information (Saini et al; paragraphs 0038 and 0060).

C. As per claim 3, Saini et al. discloses the apparatus according to claim 2 where said input information is selected from flow, mood and medical appointments (Saini et al; paragraph 0061).

D. As per claim 4, Saini et al. discloses the apparatus according to claim 2 wherein said memory for storing includes a memory located at a remote server and accessible by said individual via the Internet (Saini et al; paragraph 0028).

E. As per claim 5, Saini et al. discloses the apparatus according to claim 4 further including a personal computer device associated with said user and

capable of downloading said stored data via the Internet (Saini et al; paragraph 0037).

F. As per claim 6, Saini et al. discloses the apparatus according to claim 5 wherein said personal device is a PC (Saini et al; paragraph 0030).

G. As per claim 7, Saini et al. discloses the apparatus according to claim 5 wherein said personal device is a PDA (Saini et al; paragraph 0030).

H. As per claim 8, Saini et al. discloses the apparatus according to claim 2 wherein said means for predicting menstrual events includes means for predicting menstruation dates, ovulation dates and pregnancy (Saini et al; paragraphs 0038, 0059 and 0060).

I. As per claim 9, Saini et al. discloses the apparatus according to claim 4 further indicating means located at said remote server for storing information inputted by said user when connected to said remote server via the Internet (Saini et al; paragraph 0028).

J. As per claim 10, Saini et al. discloses the apparatus according to claim 9 wherein said individual information as stored at said remote server includes information selected from the following: name and address of said user's physician as well as appointment information, facts and history regarding said user's menstrual cycle history (Saini et al; paragraph 0033).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used prior art teach "Apparatus and method for processing and/or for providing healthcare information and/or healthcare-related information" US 6,283,761 B1, "Coital Timing Device" US 3,604,623 A, "Fertility indicator" US 4,151,831 A, "Automatic recording, indicating and predicting device for gynecophysiological cycles" US 4,443,851 A, "Apparatus and method of determining fertility status" US 4,465,077 A, "Digital menstrual cycle indicator" US 4,527,906 A, "Method of modifying ovarian hormone-regulated AT1 receptor activity as treatment of incapacitating symptom(s) of P.M.S." US 5,464,854 A, "Menstrual cycle meter" US 5,515,344 A, "Apparatus and method for processing and/or for providing healthcare information and/or healthcare-related information" US 6,283,761 B1.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DBC

DBC

Art Unit 3626

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER